

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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COURTALERT.COM, INC.

Plaintiff,

- against -

AMERICAN LEGALNET, INC.,
EREZ BUSTAN, and ROBERT LOEB

Defendants.

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ROBERT LOEB,

Third-Party
Plaintiff,

- against -

YANIV SCHILLER,

Third-Party
Defendants.

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20-CV-7739 (VSB) (VF)

ORDER

VERNON S. BRODERICK, United States District Judge:

Before me is Defendants’ objection, (Doc. 124), to Magistrate Judge Figueredo’s October 17, 2024 order denying Defendants’ request for Plaintiff to provide a detailed computation of damages, (Doc. 120). Also before me is Plaintiff’s opposition to the objection. (Doc. 138.)

The objection is DENIED AS MOOT. Defendants seek an order compelling “Plaintiff to provide proper initial disclosures as to damages and related responses to damages interrogatories.” (Doc. 124 at 1.) On November 27, 2024, however, Defendants submitted a letter representing that Plaintiff has “committed to amending their responses to their Initial Disclosures on damages and certain interrogatories [] within four weeks of” Defendants’

production of certain discovery, which is now complete. (Doc. 141.) Since Plaintiff has committed to amend its initial disclosures and interrogatories to provide the information Defendants seek in their objection, an order on the objection would be superfluous at this time.

Plaintiff should nonetheless be mindful of Rule 26(a)'s ongoing obligation for a party seeking damages to supplement the initial disclosures with further and more detailed disclosures as "additional information is obtained." 8A Fed. Prac. & Proc. Civ. § 2053 (3d ed. June 2024 update); *see Design Strategy, Inc. v. Davis*, 469 F.3d 284, 296 (2d Cir. 2006) (explaining that "the rule imposes a burden of disclosure that includes the functional equivalent of a standing Request for Production under Rule 34" (quoting 1993 advisory committee notes to Fed. R. Civ. P. 26(a))).

In accordance with the order of reference, (Doc. 46), Defendants should address any future discovery-related motions to Judge Figueredo in the first instance.

Accordingly, it is hereby:

ORDERED that Defendants' objection to Magistrate Judge Figueredo's order is DENIED AS MOOT.
SO ORDERED.

Dated: December 12, 2024
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is stylized with a large, looped "V" and a cursive "Broderick".

Vernon S. Broderick
United States District Judge